

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants: Steven J. Ross et al.
Serial Number: 10/767,297
Filing Date: January 28, 2004
Confirmation No.: 5003
Examiner/Group Art Unit: Namrata Boveja/3622
Title: SYSTEM AND METHOD FOR PERSONALIZED
ACCESS TO VEHICLE DATA SERVICES
THROUGH PORTALS

REPLY BRIEF

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please enter the following Reply Brief in response to the Examiner's Answer dated November 18, 2010.

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I. STATUS OF CLAIMS

Claims 1, 4, 5, 6, 8, 10-14, 16-18 and 20 are the claims on appeal.

Claims 1, 4, 5, 6, 8, 10-14, 16-18 and 20 are rejected.

Claims 2, 3, 7, 9, 15 and 19 are cancelled.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellants request review of the following grounds of rejection on appeal:

- 1) Whether claims 1, 4, 5, 6, 8, 10-14, 16-18 and 20 are unpatentable under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 6,526,335 to Treyz, et al. (referred to hereinafter as "Treyz") in view of U.S. Patent No. 7,093,194 to Nelson (referred to hereinafter as "Nelson") and further in view of U.S. Patent No. 5,911,776 to Guck (referred to hereinafter as "Guck").

III. ARGUMENTS

A. Whether claims 1, 4, 5, 6, 8, 10-14, 16-18 and 20 are unpatentable under 35 U.S.C. § 103(a) as being unpatentable over Treyz in view of Nelson and further in view of Guck.

a. Claims 1, 4, 5, 6, 8, 10-14, 16-18 and 20

Appellants reiterate all of the arguments set forth in the Appeal Brief filed September 8, 2010.

At the outset, Appellants note that the Office inadvertently noted in the Final Office Action dated April 8, 2010 that claim 4 was cancelled. However, Appellants had not cancelled claim 4, and indeed listed claim 4 in the claims appendix in the Appeal Brief filed September 8, 2010. As claim 4 depends from claim 1, and had originally been rejected with claim 1 in the non-final Office Action, Appellants are including claim 4 in the discussion of the instant rejection.

In the Examiner's Answer dated November 18, 2010, the Office asserts that Col. 35, lines 54-60, Col. 37, lines 34-54, and Fig. 33 of Treyz discuss providing fleet managers access to specific vehicle data about different drivers, where the data can be placed under password control to protect the privacy of the user.

Treyz does discuss providing driver information to both the driver and to a fleet manager. However, Treyz does not discuss parsing and retrieving the information based upon the requesting client's status in a status based hierarchy. Treyz discusses that "the monitoring party may be provided with information..." (see Col. 35, lines 50-53) and that the monitoring arrangement "may be used with any driver and monitoring entity" (see Col. 35, lines 54-55). The dispensing of information in Treyz seems to be based upon whether the requesting entity is the user of the automobile personal computer and whether requesting entity is a monitoring entity. This is not inherently equivalent to a status based hierarchy, especially since both of these parties seem to have access to the same individual vehicle information. This is illustrated at Col. 37, lines 49-54, which discusses that the drivers in the fleet and the fleet manager have access to "the information." The only distinction made by Treyz regarding access is that the fleet manager may have access to multiple drivers' information, and a single driver may have access to his/her

information alone. This access is based upon the fact that the fleet manager is the monitoring party, not because the fleet manager has some specific position in a pre-set hierarchy. As such, the Appellants again disagree with the Office's conclusions about Treyz.

Appellants also disagree with the Office's conclusions about Nelson. In the Examiner's Answer, the Office states that Nelson teaches, in part, building a data format template based upon an in-place status based hierarchy. The Office cites portions of Nelson that discuss that a manager can create a report of sales per geographic region or that a plant manager can create a report listing current inventory levels. The template in Appellants' claims is a data format template for client device classes, where the templates are based upon the status based hierarchy. Nelson does not discuss templates for specific devices which are based upon specific statuses, but rather discusses that users can access, analyze, and *create personal views of information* (emphasis added, see Col. 3, lines 29-31). Nelson does not teach or suggest that a user is limited to any particular template when creating his/her reports, let alone templates that are based upon an in-place status based hierarchy. For these additional reasons, it is submitted that the combination of the references also fails to teach or even suggest building a data format template based upon a status based hierarchy.

For all the reasons stated above, it is submitted that Appellants' invention as defined in independent claims 1, 14 and 20, as well as in those claims depending therefrom, is not anticipated, taught or rendered obvious by the cited references, and patentably defines over the art of record.

IV. CONCLUSION

The Appellants again respectfully submit that claims 1, 4, 5, 6, 8, 10-14, 16-18 and 20 as currently pending fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. Accordingly, Appellants respectfully request that the Board of Patent Appeals and Interferences find for the Appellants and reverse the rejection of each of Appellants' claims 1, 4, 5, 6, 8, 10-14, 16-18 and 20 under 35 U.S.C. § 103(a) as being unpatentable by Treyz in view of Nelson and further in view of Guck. In view of the foregoing, favorable consideration and passage to issue of the present application is respectfully requested.

Respectfully submitted,

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